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LETTER DATED 31 JULY 1995 FROM THE PERMANENT REPRESENTATIVE OF THE LIBYAN ARAB JAMAHIRIYA TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

I should like to transmit to you our reply to the declaration issued by the Governments of France, the United Kingdom of Great Britain and Northern Ireland and the United States of America on the occasion of the tenth review of the sanctions imposed on the Libyan Arab Jamahiriya by the Security Council in its resolution 748 (1992).

The Great Jamahiriya has accepted resolution 731 (1992), complied with the requests contained therein, condemned all forms of terrorism, severed its relations with all organizations suspected of resorting to terrorism and cooperated with the United Kingdom and France in the areas in which its cooperation was requested. It has also requested you to dispatch a committee to ascertain the spuriousness of the United States allegations regarding the presence of training camps for terrorists in Libyan territory and has advanced positive initiatives to resolve the problem of the trial of the two accused in the Lockerbie case, the most recent being acceptance of the proposal of the League of Arab States to hold a trial at the seat of the International Court of Justice, with Scottish judges and under Scots law. This proposal has obtained the support of the Non-Aligned Movement, the Organization of African Unity and the Organization of the Islamic Conference.

The Great Jamahiriya has notified you and the Security Council of the impossibility of extraditing the accused either to the United Kingdom or to the United States, because that would be counter to Libyan national law and all international laws and customs, particularly in the absence of an extradition agreement between Libya and those two States. Moreover, the Montreal Convention for the Suppression of Unlawful Acts against Civil Aviation, to which the States involved in this case are parties, does not provide for extradition but, on the contrary, accords the right to try the case to the Libyan Arab Jamahiriya.

The denial of this by the three Western States is not based on logic or law and reflects an obduracy that can lead only to a further accumulation of the human and property losses to which the Libyan Arab people and neighbouring peoples are exposed, as well as to intensification of the suffering of the families of the victims.

The Libyan Arab Jamahiriya, like the other parties to this case, has an urgent interest in having the trial of the two accused held as soon as possible, but in a neutral venue. To say that that does not respond to the Security Council's requests is a statement devoid of truth. The Security Council does not, in our view, seek through its resolutions to humiliate the Great Jamahiriya but rather to achieve justice and reveal the truth, which is the purpose of the above-mentioned proposal of the League of Arab States.

With regard to the reference contained in the tripartite declaration to the case of Libyan pilgrims and the description of their airflight to the holy land as a violation of the sanctions imposed on the Great Jamahiriya, we should like to reiterate what we stated to the Chairman of the Committee on sanctions, namely, that the Jamahiriya has not, and will not, violate those sanctions; however, the issue of Libyans' performance of their religious rites is a different matter, for this is, primarily, a question of the performance of religious rights, which is not subject to authorization from anyone, whether it be the Security Council or the world as a whole. This is a matter governed by the principle that "an act of obedience on the part of a creature ceases to be obedience if it entails disobeying the Creator". They must understand quite clearly that the Libyan people will perform its religious rites in all freedom and will not be deterred from that by any force on earth until such time as God inherits the earth and all who are upon it.

Lastly, we would inform you that the Libyan Arab Jamahiriya adheres to international legitimacy and respects it fully, as is clear from the fact that it has referred all its disputes with other States to the International Court of Justice and has respected its Judgments, whether in its favour or against.

In response to Security Council resolution 731 (1992), it has implemented the provisions thereof and has expressed its ongoing desire for the resolution of the problem in accordance with the provisions of Chapter VI of the Charter of the United Nations. It requests you to prevail upon the other parties to make a speedy response to its peaceful initiative, in the service of international peace and security and to the exclusion of policies based on threats and blackmail. These are of no avail, particularly in respect of a people such as the Libyan Arab people. One half of the population has faced martyrdom in the cause of freedom, dignity and honour, and its ardent love of martyrdom for the sake of these same goals remains undiminished.

I request you to have this letter circulated as a document of the Security Council.

(Signed) Mohamed A. AZWAI
Permanent Representative of the
Great Jamahiriya to the United Nations